

ORDINANCE 1515

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE CHAPTER 17.38.120 RELATED TO TRANSPORTATION IMPACT FEES; AND AMENDING THE TAXES, RATES AND FEES SCHEDULE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of North Bend (the "Council") finds that development activity in the City of North Bend will create additional demand and need for public facilities; and

WHEREAS, the City of North Bend is authorized by RCW 82.02.050 - .090 to require new growth and development within the City of North Bend to pay impact fees representing the proportionate share of the cost of new facilities to serve such new growth and development; and

WHEREAS, impact fees assessed pursuant to RCW 82.02.050 - .090 shall only be imposed for system improvements that are reasonably related to and that reasonably benefit the new development, and may not exceed a proportionate share of the costs of such system improvements; and

WHEREAS, RCW 82.02.060(8) authorizes the City of North Bend to impose impact fees for system improvement costs previously incurred by the City of North Bend to the extent that new growth and development will be served by the previously constructed system improvements; and

WHEREAS, impact fees may be collected and spent for system improvements to public facilities that are included within a capital facilities plan element of a comprehensive plan; and

WHEREAS, RCW 58.17.110 and RCW 58.17.060 require the Council and administrative personnel to make written findings that public facilities such as roads, streets, parks, recreation, open spaces, schools, and school grounds are adequate before approving proposed subdivisions, dedications, short plats, and short subdivisions; and

WHEREAS, the Council finds that it is in the public interest, and consistent with the intent and purposes of the Growth Management Act, RCW 36.70A et seq., for the City of North Bend to adopt an impact fee ordinance; and

WHEREAS, in developing the calculation formula for the impact fees imposed by this ordinance for system improvements to public streets and roads, the City of North Bend has provided adjustments for past and future taxes paid or to be paid by the new development which are earmarked or proratable to the same new public facilities that will serve the new development; and

WHEREAS, the City of North Bend has conducted extensive research documenting the procedures for measuring the impact of new developments on public facilities, and has prepared technical reports which serve as the basis for the actions taken by the Council; and

WHEREAS, the City Council finds it appropriate to amend the Taxes, Rates & Fees Schedule, last amended by Ordinance 1512, to include transportation impact fees; and

WHEREAS, in adopting this ordinance the Council has relied upon the "Transportation Impact Fee Rate Calculations for City of North Bend," dated October 15, 2013; as prepared by Henderson and Young; and

WHEREAS, a public hearing was held on December 3, 2013 and continued until the January 7, 2014 regular North Bend City Council meeting and Council fully considered all public oral and written testimony prior to adoption of this Ordinance; and

WHEREAS, the notice for the public hearing was properly advertised in the City's legal newspaper;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 17.38.120, Amended: North Bend Municipal Code Chapter 17.38.120 is hereby amended to be read as follows:

17.38.120 Transportation Impact Fee.

The Transportation Impact Fee rates are generated from the formula for calculating impact fees set forth in the Rate Study, which is incorporated herein by reference. Except as otherwise provided for independent fee calculations in NBMC 17.38.030, exemptions in NBMC 17.38.040, and credits in NBMC 17.38.050, all development activity in the City shall pay the street and/or transportation impact fee based on the trip generation data in the below table applicable to the type of development activity at the rates established by the taxes, rates, and fees schedule adopted by ordinance:

Revised trip generation rate table for NBMC 17.38.120

ITE Code	ITE Land Use Category	Trip Rate (1)	% New Trips (2)	Net New Trips Per Unit of Measure	Impact Fee Per Unit @		
					\$	4,489.16	per Trip (3)
110	Light Industrial	0.97	100%	0.97 1,000 sq ft	\$	4.35	per square foot
140	Manufacturing	0.73	100%	0.73 1,000 sq ft	\$	3.28	per square foot
151	Mini-warehouse	0.26	75%	0.20 1,000 sq ft	\$	0.88	per square foot
210	Single family House	1.01	100%	1.01 dwelling	\$	4,534.05	per dwelling unit
220	Apartment	0.62	100%	0.62 dwelling	\$	2,783.28	per dwelling unit
230	Condominium	0.52	100%	0.52 dwelling	\$	2,334.36	per dwelling unit

240	Mobile Home	0.59	100%	0.59	dwelling	\$ 2,648.60	per dwelling unit
251	Senior Housing - Detached	0.27	75%	0.20	dwelling	\$ 909.05	per dwelling unit
252	Senior Housing - Attached	0.16	75%	0.12	dwelling	\$ 538.70	per dwelling unit
253	Congregate care facility	0.17	75%	0.13	dwelling	\$ 572.37	per dwelling unit
254	Assisted living	0.22	75%	0.17	bed	\$ 740.71	per bed
310	Hotel	0.59	75%	0.44	room	\$ 1,986.45	per room
320	Motel	0.47	75%	0.35	room	\$ 1,582.43	per room
420	Marina	0.19	75%	0.14	berth	\$ 639.70	per boat berth
430	Golf course	0.30	75%	0.23	acre	\$ 1,010.06	per acre
440	Adult cabaret	38.67	75%	29.00	1,000 sq ft	\$ 130.20	per square foot
441	Live Theater	0.02	75%	0.02	seat	\$ 67.34	per seat
443	Movie theater - no matinee	0.07	75%	0.05	seat	\$ 235.68	per seat
445	Multiplex movie theater	3.80	75%	2.85	1,000 sq ft	\$ 12.79	per square foot
492	Health/Fitness Club	3.53	75%	2.65	1,000 sq ft	\$ 11.89	per square foot
522	Middl/jr high school	1.19	75%	0.89	1,000 sq ft	\$ 4.01	per square foot
530	High School	0.97	75%	0.73	1,000 sq ft	\$ 3.27	per square foot
560	Church	0.55	75%	0.41	1,000 sq ft	\$ 1.85	per square foot
565	Day care center	12.46	25%	3.12	1,000 sq ft	\$ 13.98	per square foot
610	Hospital	1.14	75%	0.86	1,000 sq ft	\$ 3.84	per square foot
620	Nursing home	0.22	75%	0.17	bed	\$ 740.71	per bed
710	General Office	1.49	100%	1.49	1,000 sq ft	\$ 6.69	per square foot
720	Medical office	3.46	75%	2.60	1,000 sq ft	\$ 11.65	per square foot
730	Government office	1.21	75%	0.91	1,000 sq ft	\$ 4.07	per square foot
760	R&D center	1.07	100%	1.07	1,000 sq ft	\$ 4.80	per square foot
812	Building materials & lumber	4.49	75%	3.37	1,000 sq ft	\$ 15.12	per square foot
814	Specialty retail	2.71	75%	2.03	1,000 sq ft	\$ 9.12	per square foot
820	Shopping Center	3.73	43%	1.60	1,000 sq ft	\$ 7.20	per square foot
850	Supermarket	10.50	34%	3.57	1,000 sq ft	\$ 16.03	per square foot
851	Convenience market-24 hr	52.41	24%	12.58	1,000 sq ft	\$ 56.47	per square foot
890	Furniture store	0.45	40%	0.18	1,000 sq ft	\$ 0.81	per square foot
896	Video rental	31.54	20%	6.31	1,000 sq ft	\$ 28.32	per square foot
911	Walk-in Bank	12.13	27%	3.28	1,000 sq ft	\$ 14.70	per square foot
912	Drive-in Bank	25.82	27%	6.97	1,000 sq ft	\$ 31.30	per square foot
931	Restaurant - quality	7.49	38%	2.85	1,000 sq ft	\$ 12.78	per square foot
932	Restaurant: sit-down	11.15	37%	4.13	1,000 sq ft	\$ 18.52	per square foot
933	Fast food, no drive-up	26.15	30%	7.85	1,000 sq ft	\$ 35.22	per square foot
934	Fast food, w/ drive-up	33.84	30%	10.15	1,000 sq ft	\$ 45.57	per square foot
936	Coffee/Donut no drive-up	40.75	30%	12.23	1,000 sq ft	\$ 54.88	per square foot
937	Coffee/Donut w/ drive-up	42.93	30%	12.88	1,000 sq ft	\$ 57.82	per square foot
943	Auto parts & service center	4.46	40%	1.78	1,000 sq ft	\$ 8.01	per square foot
944	Gas station	13.87	14%	1.94	pump	\$ 8,717.04	per pump
947	Self-service car wash	5.54	14%	0.78	wash stall	\$ 3,481.79	per wash stall
948	Automated car wash	77.50	14%	10.85	1,000 sq ft	\$ 48.71	per square foot

1. ITE Trip Generation (8th Edition) (2008): 4-6 PM Peak Hour Trip Ends

2. Excludes pass-by trips: see "Trip Generation Handbook: An ITE Proposed Recommended Practice" (2001)

3. Pursuant to NBMC 17.38.110.B, an inflationary adjustment shall be made in the fee rates at the beginning of each calendar year. The annual inflationary adjustment shall be the same percentage amount as the change in the Engineering News Record Construction Cost Index for the Seattle area from the date of the previous year's adjustment.

Section 2. No Preclusion of Environmental Mitigation. Nothing in this title shall preclude the City from requiring the fee-payer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development based on the environmental or other documents accompanying the underlying application for development activity, pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, however, that the exercise of such authority shall be consistent with the provisions of Chapter 43.21C RCW and RCW 82.02.020.

Section 3. Amendment of Taxes, Rates and Fees Schedule. The Taxes, Rates and Fees Schedule of the City shall be amended to include a Transportation Impact Fee in the amount of \$4489.16 per vehicle trip. The vehicle trip fee shall be applied to the vehicle trip table set forth in NBMC Section 17.38.120.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective date. This ordinance shall be published in the official newspaper to the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF JANUARY, 2014.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: January 15, 2014
Effective: January 20, 2014

Susie Oppedal, City Clerk